App. F. IX-4

1928. (Madras)

File No. 166-28

Previous References
Mad 69-26-1-5

Serial Nos. 1–6

Later References
Dep no. 157-33

General and Revenue Secretariat.

Serial Nos. 6

Part B for May 1929

SUBJECT

Reports that the Public Prosecutor, Nagapore Division has been instructed to oppose the application for probate by Venkataramaiah who is mismanaging the Tirath properties & requests sanction to fee the Chas for the purpose.

G.O. No 880-1
dated 8.11.28

To the Mad. Govt
compts

Sanctioned

18/5

G. R. S. APP F.III—1] 192 8.

GENERAL AND REVENUE SECRETARIAT.

(Muzrai)

NOTES.

File No. 66-28

FILE HEADING.

Mismanagement of certain properties in the Nadapur Village, Krishnarajpet Taluk, bequeathed by Mandagere Sri Kantaiah for charitable purposes.

FROM

The Muzrai Comr

No. 446 Dated 12.9.28. Received

Diary No 413	Enclos. —	Spare copies —	Serial No 1

BRIEF ABSTRACT OF LETTER

Reports with Ref. to G.O. dt 10.7.28, that Sambay Venkataramaiah, who is mismanaging these properties has applied on the 7th inst to the Dist Court, Mysore, for a Probate, that P.P. has been instructed to oppose

NOTES AND ORDERS.

FINAL
15 SEP. 1928
2538

The application, and requests G.R's instructions in the matter &c.

I may be forwarded to Revt. Br. for obtaining G.R's of instructions in the matter.

Submitted

CSB. 15/9/28

NOTES—First Sheet.

H. OIL
21 SEP. 1928
No 1926

AG 15-9-28.

The M.C's proposals may be approved

Agreed (B Fin: Sec.) 21/9/28 Sd/ Member 21/9/28

Sd/ 15/9/28

General and Revenue Secretariat.

Head File No. 166 of 1928-29

Serial No.

5 H.P. G.O submits as directed.

6. Both the D.C and the Th.C. requests L.R's opp further instructions in the Case. The points requiring instructions have not been stated, and it is perhaps not intended to convey instructions to the Th.C. as requested by him. Submitted. The pp have been perused by L.R also.

AL
25.9.28

7 The necessary ~~up~~ instructions may perhaps be obtained by the P.P. addressing the L.R. in the matter.

The appln
25/9/28

8 ~~P~~ H.M. 18
26/9

9) The L.R may be requested to state what instructions should be given to the ~~P~~ DC vide Dept Impress and DC's letters

10) The proposal to meet the expenditure from the grant for Land Charges is appd

27.9.28

Sept. 18
27/9

C.P. 1923
No. 2024

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

413

Appx. F. III—2]

General and Revenue Secretariat. MUR File No. 166 of 1928-27.

Serial No.

12) A ofl order directing that the expr should be rec'd from Law charges (vide para 10 containing member's minutes) is on the file.

13) Before issuing it, the L.R may be consulted as directed in para 9

14) Submit for orders.

— MR 29.9.28

MR 1/10/28

Law Dept 1/10

~~Write to the~~ P.P will be written to correspond with L.R & obtain necessary instructions in the matter meanwhile draft may issue. SO 20/10.

Law Dept with Confl.

13) 1 S/L - Member 21/10

FIRST [illegible] SCIL 2 Nov. 1928 No. 2715

2 Do MUR Cour + Comptt L No 320- dt 8 25- Sanctions the Rec'd accounts &c

B

WD 01714—GPB—30,000—18-4-28

Additional Grant for Law Charges. 4

General and Revenue Secretariat

App. F. III—2]

Law File No. 57 166 of 1928.

Serial No.	
	G C No: R 3729/R 4 '60-28-2 Sanctioning a bill for Rs 1500/- to G A for helping the Council Committee on 18-8-28 in the disposal of Rent Cases relating to Yelandur Jagir. An addl grant to be placed before the L C should include this sum also.
	G O No 880 Judl/Misc 166-28-2. Sanctioning the proposal to engage Adv Mysore to oppose the applⁿ for Probate in Mis 101 of 26 of Dt Ct, Mysore & to meet the charges out of the allotment of "Law Charges" for the District.
A	Asst Secy's order as regards A If this provision was long ago exhausted - what is the amount of addl grant required for adjusting the excess expenditure? Is the expenditure sanctioned in this order proper to debitable to "Law Charges" D N S 8/11/28
	DO In another file sent to the Financial Branch, it was noted that an additional grant of Rs 4000/- was necessary to meet the bills till then sanctioned. To find out the actual amount of excess expenditure it is submitted that a reference to the Comptroller has to be made.
	21 As regards the G O mentioned above, debiting the charges cost of opposing the Pet

NOTE—Contn. sheet

General and Revenue Secretariat

Land File No. 166 of 1928.

Serial No.

appl^n to "Law Charges", it is submitted that under rule 130 of the Legal Affairs rules, since the proceedings relates to the Huzarar Deptt, the expenses have to be met out of the budget grants of that department. The G.O in question was however passed, as far as I remember, after the perusal of the Law Secy note on the ground that the Charity has no funds at its disposal to meet the expenses of this litigation.

MP 9.11.28 MP 10.11

22 As an additional grant is necessary, what the Charges sanctioned amount to may kindly be stated.

H. Secy 10/11

GENL. & REV. SECTT. 14 FINANCIAL BRANCH. D. 2072

23 The Muz. Bo. cannot say what the addl. grant is necessary in this case. 24 Submit. The Engineer or the Works Supdt. Concerned

MP 14/11 17.11.28.

Muz Bo. 15/11

GENL. & REV. SECRETARIAT 16 NOV 1928 MUZRAI D 740

25 Necessary enquiry may be made & the information required furnished.

Muz Bo. 19/11

26 Submitted.

27

NOTE—Contn. sheet

740

6

and Revenue
tariat

App. F. III—2,

Land File No 57 of 192 &

Serial
No.

To mer Coll ltr no 1011 dt 28-11-28
Engines what h
charges in Pakistan had
amount to are add &
grant has to be obtained
under this charges
(Vide linked 12e) 16-12-28

SL.S

B

NOTE—Contn. sheet

WD 021—GPB—30,000—21 8 28

General and Revenue Secretariat

Muz File No 166

App. F. III—2]

of 1928

Serial No.

D 836 | 3

From the Comptr.,

Letter no. A II. 409 & 29. II 28.

States, with refce to the G O of 8-11-28 that the cost should be met from the funds of the institution & not from "Law charges" under (8(2) Law offices" - 28 As proposed by the D C & recommended by the R M C, the charges to be incurred by the P. Prosecutor were, sanctd to be met from "Law charges" for the Distt.

29. The Comptr takes objection to this under para 130 of G.O No P. 1966-50/51 dt. 26-12-28 & 10 19th March 24. According to this, the charges should be met from the income of the properties endowed by Mandagere Sreekantiah for charities

30. Submtd. for orders as to whether the Law Secretary may be consulted & to whether any modification of the order is necessary or whether a draft modifying the order may be submitted

R.D 14.12.28 31 During a Case where action is taken under the powers vested in the Civil Procedure Code, the charges have perhaps to be met as already indicated The Law Dept may be consulted

15/12

32 To L.R with Compliments

15/12

NOTE—Contn. sheet

Serial No.

33 Costs have to be met from the charities. G.O has to be modified accordingly.

For Secy with Compts

34 Submitted please

37/1

Received up-to-date in G.S.C. Secy's

35 The M.C's recommendation (Sl.1) to meet the Cost of the Suit from the allotment of "Law charges" for the Dist. has Secy in G.O. No. 880-I Dy 8/11/1928 (Sl.2) Vide para 10 of the office-note containing members minutes). On the Compts. objection the L.R. has stated that the costs have to be met from the charities. It is not known whether there are any funds in the hands of Govt pertaining to these charities, and if not, from what other source, the cost will have to be met etc.

36 May a copy of the Compts. letter be sent to the M.C. with Ref. to G.O. No of 8/11/1928, and his further report called for in the matter?

Submitted for orders.

7.1.29.

7/1/29

37 Yes

8-1.

1663 8/1/29

NOTE—Contn. sheet

W.D.—1091—GDB—30,000—21-8-28

836

9

App. F. III—2]

General and Revenue Secretariat. Mad. File No. of 192

Serial No.

29 Draft put back for orders.

40 [illegible] 1-11

4 To our Con[sul] No 1357 dt [illegible] Requests him to pass [illegible] out the Corpses [illegible] enclosing letter (Dr 3) Copy [illegible]

Sn S Ws 1372

5 From, the Dy C Letter no 446, 28th March 1929 Reports that the above charity has not yet come under the control of the Muz Deptt and recommends that the eventual expenditure may be ordered to be advanced from "Law charges of the Distt" and recouped later on from the funds of the charities when they come under such control.

41 May the Corpses be sent [illegible] accordingly [illegible]

5651

[illegible] 8/4

42 If the amount is recoverable, the proper course is to make-

NOTE—Contn Sheet

Serial No.

6394

ute of public debt funds and not to charge it off as trial outlay -
The advance will be outstanding in the Comptr's books pending adjustment after the enquiries by Govt Undergrd Management Cmte
(81 members)

43

May the Comptr be informed accordingly
Submitr. for orders.

46

6 To the Comptr
No 2430 A/ 2-5-29
& tables It is the intention has to be recovered from the Distts & the proper course will be to meet the charges out of Public Debt & subsequently charging it to [illegible]

Copy

B

WD 021—GPB—30,000—21 8 28

Inward

466 Ext 2 Copies

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Mangalore, 11th September 1928.

No. 284

FINANCIAL SECRETARY 13 SEP 1928 No

FROM P. G. D'Souza, Esq., B.A., B.L.,
The Muzrai Commissioner in Mysore.

REV. SECRETARY 14 SEP 1928 MUZRAI 8413

Mur 166-28-1

To

P. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Financial Department.

SIR,

Adverting to Government Order No.42/Muz.68-26-4 dated 10th July 1928 in the matter of referring to the District Court the case relating to the mismanagement by Shanbog Venkataramaniah of certain properties in the Madapur village, Krishnarajpet Taluk, bequeathed by Managere Srikantiah for charitable purposes, I have the honor to forward herewith copy of the Mysore District Deputy Commissioner's letter No.H.305/28 dated 4th September 1928 together with copy of letter No.1130/211 dated 24/27th August 1928 addressed to him by the District Judge, Mysore. The Deputy Commissioner reports that the Public Prosecutor has been requested to take further action and to oppose the application for probate by Venkataramaniah who is misapplying the trust properties ~~has already~~ and on the 7th instant seeks instructions of the Secretary to Government, Law Department, in the matter. I request that the same may be speedily obtained and intimated. Fund sanction may, as proposed by the Deputy Commissioner be accorded to meet the charges required by the Public Prosecutor from the allotment of "Law Charges" for the District.

I have the honor to be,
Sir,
Your most obedient servant,

Muzrai Commissioner.

Letter No.H.205/28 dated 4th September 1928 from the Deputy Commissioner, Mysore District to the Muzrai Commissioner at Mysore.

Subject:-- Srikantiah's charities - Mardageere - misc. petn. for withdrawing suit.

"With reference to your memo No.R.Dis.14 of 1928-29 dated 20th July 1928 for an early copy of G.O. No.H.4½/Ch.65-28-4 dated 10th July 1928, in the matter of referring to the District Court, the case relating to the settlement of the above charities, I have the honor to forward herewith copy of letter No.1152/21 dated 24/27th August 1928 received from the Butler Judge, Mysore, and to request that further instructions may be returned to Government, Law Department, may kindly be obtained immediately and furnished.

2. As the District Judge states that Venkatacharya who is managing the trust properties has already applied for a probate of the will of the deceased Srikantiah and that he may also be directed by the Government, if any, on 7-9-1928 to which date the case is posted for hearing, I have sent the entire records to the Public Prosecutor, Bangalore, requesting him to take further action and to oppose the probate on the next date of hearing viz., 7-9-1928.

3. In this connection, it may be stated that any charges that may be required by the Public Prosecutor, etc., to be met from the allotment of "Law Charges" for the District and may kindly be obtained from the Head of Government as also be early obtained and its head."

"Copy"

M Hemmaya

For Muzrai Commissioner.

Letter No.1130/211 dated 24th August 1928 from the District and Sessions Judge, Mysore Division, Mysore, to the Deputy Commissioner, Mysore District, Mysore.

In returning herewith the file of papers relating to Narayana Srikantaiya's Charities, received with your letter No.A.H.162/26 --- dated 11/14th instant, I have the honor to state that under Section 92 of the Code of Civil Procedure a regular plaint has to be filed and your reference cannot be accepted as a plaint and the case taken on file. In this connection I wish to draw your attention to the --- provisions of Sections 17 and 18 of the Mysore Religious and Charitable Institutions Regulation (No.V of 1927) and to state that as Natural Guardian you can take action in the matter if necessary, without --- going to Court.

The petitioners, Shri [illegible] and [illegible] have stated to be desirous of the trust properties already applied for --- Probate of the will of the deceased Srikantaiya aforenamed to Civil Misc. Application No.101 of 1926-27 on the file of this Court and the case stands posted for hearing to 7th September 1928. You may be able to state your objections, if any, at that time and a notice has also been ordered to be issued to you under Section 67 of the Probate Regulation.

"Copy"

For Natural Commissioner.

ak

G.R.S. App. F VI G-2]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section Mar

File No. 166-28

Serial No. 92

General and revenue Secretariat

( )

the 192 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 8/11/28

Signed by L. [illegible]

Read—

G.O no 412/Muz. 69-14 Dy 10-7-1928 Receiving the M.C's Communication in the matter of referring to the Dist court, the case relating to the mismanagement by Sanbag Venkatanaraiah of certain properties in the Madahuna Village, Krishnarajpet Taluk bequeathed by Mandagere Srikantiah for charitable purposes.

Letter no 446 Dy 12-9-28 from the Muz Comr in reply

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Order Thereon No.

AG

28

9/11

has been requested to take further
action and to oppose the application
for probate by Venkataramanaiah
who is now managing the
said properties, and requesting
sanction to meet the charges
incurred in this behalf from the
allotment of "Law charges"
for the D.S.W.

Under Sec 7

Sanctioned.

List of enclosure.

1
2
31/10

NS
26/9 NS) Asst. Secretary.

To
The Asst. Secretary
Legislative Department

Copied by

Examined by

Noted
2/11/28

WD 0326—GPB—12,500—26-5 27

16 1366 F 28

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read.-

Government order No. 42/Muz.69-26-4 dated 10th July 1928 recording the Muzrai Commissioner's communication in the matter of referring to the District Court, the case relating to the mismanagement by Sanbog Venkataramaniah of certain properties in the Madapura village, Krishnarajpet Taluk bequeathed by Mandagere Srikantiah for charitable purposes.

2. Letter No. 446 dated 12th September 1928 from the Muzrai Commissioner in Mysore reporting that the Public Prosecutor has been requested to take further action to oppose the application for probate by Venkataramaniah who is mismanaging the trust properties, and requesting sanction to meet the charges in this behalf from the allotment of "Law charges" for the District.

Order No. 880-1/Muz-28-2

Dated, Bangalore, the 4th November 1928.

S a n c t i o n e d .

This practice was long ago sanctioned what is the amount of additional fund required for adjusting the same? Is the expr. sanctioned in ~~Charges~~ expr. This order properly debitable to "Law charges"? 8/11

K. Venkatasubbaiah
Secretary to Government,
Financial Department.

To

The Muzrai Commissioner in Mysore, Bangalore.

The Comptroller to the Government of Mysore.

Copy to protection RR.

UBJECT.....

.....

.....

Section Muz

File No.

Serial No.

No. 1011.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

To The M.S.

Date of issue 28/11/28

Signed by..... for Secretary to Govt.

List of enclosures .....

Copied by .....

Examined by .....

Sir,

Adverting to G.C. no 880-1/Muz. 166-28-2 dt 8-11-1928 sanctioning your proposal to engage P. Pleader to oppose the application for probate by Venkatarathnamiah who is mismanaging the trust properties bequeathed by Manadaseva Sri Kantiah for charitable purposes and also to meet the charges in this behalf from the over allotment

law charges" for the DPP,

I am directed to confirm

that ~~the grant of~~ ~~for law charges~~ ~~in~~ no charge would

~~have been made in this case~~. amount to an

abuse of public funds

I have also charges" for the same

A response reply

is awaited

Yours sincerely

[illegible]

MW
23/11/18

19

FINANCE
3 DEC. 1928
No...

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. A.II.409. Bangalore, dated 29th November 1928.

From

S. SHAMANNA, Esq., B.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
BANGALORE.

GOVT. SECRETARIAT
MUZRAI

To

B.Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Financial Department,
Bangalore.

836
Muz. 166-28-3

Sir,

With reference to Government Order No.880-1/Muz.166-28-2 dated 8-11-1928, sanctioning the recommendation of the Muzrai Commissioner that the charges for opposing the application for probate by one Mr. Venkataramiah in connection with the management of properties bequathed by Mandagere Srikantiah in Madapura Village of Krishnarajpet Taluk, may be met from the allotment of "Law charges" for the District, I have the honour to point out that the charges referred to should be met from the funds of the institution to which the properties belong and not from "Law charges" under 18(2) Law offices". Vide para 130 of Government Order No.P.4966-5045/Cts.76-23-1 dated 19-3-24 laying down rules for the conduct of legal affairs of Government. I therefore solicit further orders of Government regarding the source from which the charges should be met.

I have the honor to be,

Sir,

Your most obedient servant,

S Shamanna

Comptroller.

F G—1

SUBJECT..... .....

.....

.....

Section Mun

File No.

Serial No.

No. 1337 Income

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

..... The D.C. .....

Date of issue..... 17/11/28

Signed by ....

Sir,

Adverting to your no 880-I/Mug. 166-28-2 dy 8-11-1928 sanctioning your recommendation to meet from the allotment of "Law charges" for the current the Cost of the suit relating to Mandagere Srikantiah's charities, I am directed to forward herewith a copy of no A-11-609 dy 29-11-1928 from the Comptroller

List of enclosures .....

Copied by.....

Examined by.....

WD 0399—GPB—20,000—18-9-28

Stating that the charges
ref. to should be met from
the funds of the Mission to which
the properties belong, and to
request to be informed whether
there are any funds in the
hands of Sub. pertaining to
these charities, and if not, to request you to furnish us
some other source from which
the cost thereof may be met,

J. Chavelo

WD 12/1
for Sec. of State. 1338 8 17 1—29

Copy to the Consulate with
ref. to his letter no. 12. 11 409
of 29—11—28

B.O.
WD 2/12/29
Dept. Sec. of State

WL
9449

22

SECRETARIAT
28 MAR 1928

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore,.....27th March.....192

28

No. 446 Ex-2
28-9

FROM

P. G. D'Souza, Esq., F.A., P.L.,
The Muzrai Commissioner in Mysore.

30

Judl 166-28-5 D. 1490

To

P. Srinivasa Iyengar, Esq., F.A., P.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Financial Department.

SIR,

(Vide last para of letter) Referring to your letters Nos.1011/Muz. and 1337/Muz.166-28-4 dated 24th November 1928 and 17th January 1928 respectively calling for certain information in re the meeting of the cost for opposing the application for probate filed by Venkata Ramaniah in respect of the management of Nandagere Srikantiah's charities I have the honor to submit herewith copy of letter No.M.205/28 dated 13th March 1928 from the Deputy Commissioner, Mysore District, together with its enclosures stating that in view of the fact that the above charity has not yet come under the control of the Muzrai Department, the cost of litigation may be paid from "Law charges of the Department" as already ordered by Government.

The Public Prosecutor says that there is no need for any extra expenditure immediately. However the eventual expenditure if any may be kindly ordered to be advanced from "Law charges of the District" and recouped later on from the funds of the charities when they come under Government management.

I have the honor to be,
Sir,
Your most obedient servant,

Muzrai Commissioner.

Letter No.H.205/28 dated 13th March 1928 from the Deputy Commissioner, Mysore District to the Muzrai Commissioner in Mysore.

Mandagere Srikantiah's charities - application for probate filed by Venkataramaraiya.

With reference to your memo No.446 of 28-29 dated 5th December 1928 and 30th January 1929 in the matter of getting the cost for opposing the application for probate filed by Venkataramaraiya in respect of the management of Mandagere Srikantiah's charities, I have the honour to submit herewith a copy of Public Prosecutor's letter No.406/28-29 dated 6th March 1929 stating that as matters stand at present there is no immediate necessity for any active opposition, and that if the case should be posted for evidence then witnesses are to be summoned to prove that the petitioner Venkataramaraiah has been misappropriating the trust property, and that he would intimate the probable cost at due course.

2. Although the cost for opposing the application for probate is a legitimate charge on the funds of the charities, it may be stated that the charity as it stands at present has not yet come under the control of the Muzrai Department. Besides, there are no other sources available to meet the cost under reference.

3. Under the circumstances, the charges for opposing the probate may be kindly be permitted to be met from the allotment of "Law Charges" for this District, as already sanctioned in C.C.No.200-1/Mur.Acc-Bud dated 28th November 1928.

"C O P Y"

for Muzrai Commissioner.

Letter No.486-28-29 dated 6th March 1929 from the Public Prosecutor Mysore to the Deputy Commissioner Mysore District.

In reply to your office letter No.M.205/28 dated 30-1-29 regarding the application for probate filed by Venkataramaiah in the District Judge court Mysore, I have the honor to state as follows.

The case came on for hearing on 2nd instant. The case was after -- argument adjourned to 16th instant for the petitioner to file a detailed schedule of all the properties which he proposes to administer under the will. As matters at present stand there is no immediate prospect of --- incurring any extra expenditure. If the case should be posted for --- evidence, then by way of rebuttal we shall have to summon witnesses to prove that petitioner is mis^appropriating the trust property and that he is an undesirable executor. In due course intimation will be sent.

For Murari Commissioner.

FG—1

SUBJECT..... .....

.....

.....

Section Imig

File No. 166 - 28

Serial No. 6

Diary No. of letter replied to.....

No.

General and Revenue Secretariat

( )

the *192*

To

..... The Comptr .....

Sir,

Adverting to your letter no. A 11. 409 Dy 29th Nov. 28 and in Contn. of this Office memo. no. 1338 Dy 17-1-29, Re the cost of the suit relating to Mandagere Srikanthiah's charities, I am directed to state that the above charity has not yet come The Control of the Inug. Deptt, and the amount

over

A-G
RS

st of enclosures... ....

Copied by.....

Examined by.....

WD 0309—APB—20,000—18-9-28

in your office ~~from Comptrs.~~ books
pending adjustments after
the in 87 funds come under
the control of Govt management

I have etc.

WB/
30/4
DD) for Secy.

WW

Copy to M.P. Lia

151 2-5=9

Ref. to his letter no. 446
dy 28. 3. 1929

B.O

WB/
30/4
DD) for Secy.

26 pages